

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Freedom Mortgage Corporation

Plaintiff

vs.

Larry J. Smalt

Defendant

CIVIL ACTION NO: 1:21-cv-00041-JAW

CONSENT JUDGMENT OF
FORECLOSURE AND SALE

RE:

148 Cushman Drive, Farmington, ME 04938

Mortgage:

March 6, 2015

Book 3718, Page 128

Now comes the Plaintiff, Freedom Mortgage Corporation, and the Defendant, Larry J. Smalt c/o Bonnie J. Sellers, as Attorney-in-Fact for Larry J. Smalt, pursuant to a Power of Attorney dated July 23, 2013, and hereby submit this Consent Judgment of Foreclosure and Sale. Bonnie J. Sellers, as Attorney-in-Fact for Defendant, Larry J. Smalt hereby attests that the Power of Attorney dated July 23, 2013 is in full force and effect at the time this Consent Judgment of Foreclosure and Sale was executed.

Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - *Quantum Meruit*, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

- . If the Defendant or his/her heirs or assigns pay Freedom Mortgage Corporation (“Freedom”) the amount adjudged due and owing (\$131,595.63) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Freedom shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

| Description | Amount |
|----------------------|--------------|
| Principal Balance | \$111,579.22 |
| Interest | \$8,210.90 |
| Taxes | \$2,979.72 |
| Hazard Insurance | \$2,673.00 |
| Corporate Advances | \$375.00 |
| Property Inspections | \$525.00 |
| Expense Advance | \$6,003.44 |
| Late Fees | \$147.65 |
| Escrow Credit | -\$898.30 |
| Grand Total | \$131,595.63 |

1. If the Defendant or his/her heirs or assigns do not pay Freedom the amount adjudged due and owing (\$131,595.63) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the Farmington Property shall terminate, and Freedom shall conduct a public sale of the Farmington Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$131,595.63 after deducting the expenses of the sale, with any surplus to the Defendant or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. Freedom may not seek a deficiency judgment against the pursuant to Plaintiff's waiver of deficiency.
2. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
3. The amount due and owing is \$131,595.63.
4. Freedom Mortgage Corporation has first priority, in the amount of \$131,595.63, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendant who has second priority.
5. The prejudgment interest rate is 3.50000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. § 1961.

6. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

| | PARTIES | COUNSEL |
|-----------|---|--|
| PLAINTIFF | Freedom Mortgage Corporation 10500 Kincaid Drive Fishers, IN 46037 | John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915 |
| DEFENDANT | Larry J. Smalt c/o Bonnie J. Sellers as Attorney-in-Fact for Defendant, Larry J. Smalt 15835 Potomac Road, #7 Apple Valley, CA 92307 | Pro Se |

- a) The docket number of this case is No. 1:21-cv-00041-JAW.
- b) The Defendant, the only parties to these proceedings besides Freedom, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 148 Cushman Drive, Farmington, ME 04938, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 148 Cushman Drive, Farmington, ME 04938. The Mortgage was executed by the Defendant, Larry J. Smalt on March 6, 2015. The book and page number of the Mortgage in the Franklin County Registry of Deeds is Book 3718, Page 128.
- e) This judgment shall not create any personal liability on the part of the Defendant but **shall act solely as an *in rem* judgment against the property, 148 Cushman Drive, Farmington, ME 04938.**

Dated: January 6, 2022

/s/Reneau J. Longoria, Esq.
John A. Doonan, Esq., Bar No. 3250
Reneau J. Longoria, Esq., Bar No. 5746
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Dated: August 28, 2021

/s/Bonnie J. Sellers
Bonnie J. Sellers, as Attorney-in-Fact for
Defendant, Larry J. Smalt
15835 Potomac Road, #7
Apple Valley, CA 92307

SO ORDERED.

DATED THIS 19th DAY OF January, 2022

/s/ John A. Woodcock, Jr.
U.S. DISTRICT JUDGE